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OFFICE OF PETITIONS

In re Application of :
Townsend et al. :
Application No. 10/578,933 : **DECISION ON PETITION**
Filed: May 8, 2006 :
Attorney Docket No. 5926.P075 :

This is a decision on the petition to revive on the grounds of unavoidable delay, filed June 2, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application based on failure to receive the Office action.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action mailed November 4, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on February 5, 2010.

Petitioner asserts that the Office action dated November 4, 2009 was not received.

A review of the written record indicates that a Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address was received on October 10, 2008. However, it was never processed by the USPTO. As stated in MPEP 402.05, a revocation of the power of attorney becomes effective on the date that the revocation is *received* in the Office, not on the date of acceptance.

As the Revocation of Power of Attorney was never processed, the final Office action of November 2009 was erroneously mailed to the wrong address.

Accordingly, the application was not abandoned in fact. In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

On August 16, 2010, the Revocation of Power of Attorney was processed and the correspondence address is now correctly associated with Customer Number 08791.

The \$540.00 petition fee will be credited to petitioner's deposit account.

This application is being referred to the Technology Center AU 3662 for processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on June 24, 2010.

Liana Walsh
Petitions Examiner
Office of Petitions